



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/498,104

02/04/2000

Paul M Scpton

1001.1375101

8323

28075 7590 01/07/2009
CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

EXAMINER

DESANTO, MATTHEW F

ART UNIT

PAPER NUMBER

3763

MAIL DATE

DELIVERY MODE

01/07/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09498104	2/4/00	SCOPTON, PAUL M	1001.1375101

CROMPTON, SEAGER & TUFTE, LLC
1221 NICOLLET AVENUE
SUITE 800
MINNEAPOLIS, MN 55403-2420

EXAMINER

MATTHEW F. DESANTO

ART UNIT	PAPER
----------	-------

3763	20090105
------	----------

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Supplement Examiner Answer

The examiner has read through the reply brief and feels that the interpretation that is given to the prior art in the 102 Rejections are still within the ordinary and customary meaning of the claim terms. The major difference is the examiner using the broadest reasonable interpretation for terms like "connected" and "fluidly communication". The examiner disagrees that one skilled in the art wouldn't interpret two structural elements coupled together to be "connected." With regards to Sirhan and claims 3 & 4 the examiner discusses his interpretation of the claims and prior art in the remarks section of the last examiner answer. With regards to claim 5, the guidewire lumen is sized to restrict fluid flow and the examiner interprets that Sirhan has a smaller distal guidewire lumen portion and thus would be sized to restrict fluid flow. With regards to Crittenden et al. the examiner disagrees that one skilled in the art wouldn't use the same interpretation of the prior art as the examiner since the examiner uses the plain and ordinary meaning of the prior art and used the broadest reasonable interpretation of the claimed invention. Applicant seems to be giving special meaning and using the specification to read limitations into the broadest interpretation of the claimed invention. According to the MPEP section 2111.01 paragraph I, only issued claims are given this type of claim interpretation, otherwise the PTO uses the broadest reasonable interpretation, which is done in this case by the examiner. With regards to Horzewski et al. the examiner is not convinced with the arguments set forth in the reply brief and appeal brief, which are very similar.

/Matthew F DeSanto/
Primary Examiner, Art Unit 3763

/DONALD HAJEC/
Director, Technology Center 3700

/Matthew F DeSanto/
Primary Examiner, Art Unit 3763